

**THIRTY-SIXTH DAY**  
(Monday, March 30, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Washington, Zaffirini.

Absent-excused: Caperton, Whitmire.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Heavenly Father, we pause at the opening of this day to give thanks for the night's rest and for the challenges this day will bring. May these who serve know of Thy presence and be inspired with a spirit of hope and expectancy. Grant that all of us will face life's tasks bravely and perform them earnestly. In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 26, 1987, was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Edwards.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

**REPORTS OF STANDING COMMITTEES**

Senator Brooks submitted the following report for the Committee on Health and Human Services:

**S.B. 957**  
**C.S.S.B. 934**

Senator Leedom, Vice-Chairman, submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 1024**  
**S.B. 746**

Senator Harris submitted the following report for the Committee on Economic Development:

**S.B. 1142**  
**S.B. 949**  
**S.B. 620**  
**S.B. 1007 (Amended)**  
**S.B. 849 (Amended)**  
**C.S.S.B. 661**

**MESSAGE FROM THE HOUSE**

House Chamber  
March 30, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 474**, Relating to an exception from the open records law for photographs depicting a peace officer or campus security officer.

**H.B. 527**, Relating to the justifiable use of force in certain circumstances by jailers, guards, correctional officers, and peace officers.

**H.B. 557**, Relating to the lease of certain state-owned property by the State Department of Highways and Public Transportation.

**H.B. 581**, Relating to the disposition of fines for certain speeding violations.

**H.B. 309**, Relating to the regulation of animal shelters.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**CO-AUTHOR OF SENATE RESOLUTION 261**

On motion of Senator Parker and by unanimous consent, Senator Brooks will be shown as Co-author of S.R. 261.

**CO-AUTHOR OF SENATE BILL 1117**

On motion of Senator Edwards and by unanimous consent, Senator Johnson will be shown as Co-author of S.B. 1117.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

On motion of Senator Farabee and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 1356** by Farabee, Zaffirini Criminal Justice  
Relating to the creation of offenses involving the collection of an unlawful debt or a pattern of conduct involving unlawful acts; providing for the forfeiture of certain property related to or derived from the collection of an unlawful debt or a pattern of conduct involving unlawful acts, and for procedures related to that forfeiture; providing injunctive and other relief in connection with prohibited activity; providing penalties.

**S.B. 1357** by Brooks Economic Development  
Relating to the liability of pilots providing pilot services to or from ports located in Harris County, Texas; and amending Chapter 185, pp. 441-450, Acts of the 67th Legislature, Regular Session, 1981 (Article 8280a, Vernon's Texas Statutes, Water Auxiliary Laws, Sections 1.01 through 6.06) by adding a new Article 7.

**S.B. 1358** by Truan Education  
Relating to physical fitness education in public schools.

**S.B. 1359** by Truan Education  
Relating to the repayment of student loans of physical therapists practicing for certain facilities operated by the Texas Department of Mental Health and Mental Retardation.

**S.B. 1360** by Jones Economic Development  
Relating to rules requiring the use of Stage II vapor recovery systems at gasoline dispensing facilities in this state.

**S.B. 1361** by Lyon Intergovernmental Relations  
Relating to the compensation for overtime work by sheriff's employees covered by a sheriff's department civil service system in certain counties.

**S.B. 1362** by Sarpalius Intergovernmental Relations  
Relating to the creation of municipal courts of record in Amarillo.

**S.B. 1363** by Jones State Affairs  
Relating to participation in the optional retirement program for faculty members employed in state-supported institutions of higher education.

**S.B. 1364** by Brooks Finance  
Relating to allowing certain religious, educational, and charitable organizations to hold occasional tax-free sales or auctions.

**S.R. 256** Santiesteban Administration  
Establishing an interim study committee to be named the Senate Special Committee on Municipal Utility Districts to study the potential for defaults among counties municipal utility districts.

**S.R. 261** by Parker, Armbrister, Natural Resources  
Brooks, Brown, Truan, Uribe  
Mandating all State agencies involved with the shrimping industry to work with industry officials in developing a comprehensive program for saving sea turtles that would eliminate the need for Turtle Excluder Devices.

**S.C.R. 78** by Truan Health and Human Services  
Requesting the governor to establish an interagency council on health promotion.

**S.C.R. 79** by Truan Health and Human Services  
Encouraging State agencies to develop fitness programs for their employees.

**S.C.R. 80** by Truan Health and Human Services  
Encouraging State agencies to develop employee assistance programs.

**S.C.R. 81** by Barrientos Education  
Directing the Central Education Agency to encourage the provision of programs for students with disabilities in integrated settings.

#### HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

**H.B. 253**, To Committee on Economic Development.

**H.B. 355**, To Committee on Criminal Justice.

#### GUEST PRESENTED

Senator Jones was recognized and introduced Dr. Bogdan Chumak of Temple, the Capitol Physician for the Day.

Dr. Chumak was welcomed by the Senate and received an expression of appreciation for his service.

**COMMITTEE SUBSTITUTE SENATE BILL 261  
ON THIRD READING**

Senator Barrientos moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 261**, Relating to discharges of officers and employees of the Department of Public Safety and to political activities and campaigns.

The motion prevailed by the following vote: Yeas 19, Nays 7.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Krier, Lyon, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Zaffirini.

Nays: Blake, Brown, Jones, Leedom, McFarland, Montford, Sims.

Absent: Parker, Tejada, Washington.

Absent-excused: Caperton, Whitmire.

The bill was read third time and was finally passed by the following vote: Yeas 20, Nays 7.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Krier, Lyon, Parmer, Santiesteban, Sarpalius, Tejada, Truan, Uribe, Zaffirini.

Nays: Blake, Brown, Jones, Leedom, McFarland, Montford, Sims.

Absent: Parker, Washington.

Absent-excused: Caperton, Whitmire.

**COMMITTEE SUBSTITUTE SENATE BILL 418  
ON THIRD READING**

Senator Parmer moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 418**, Relating to the composition of the board of directors of a property tax appraisal district.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Brown, Glasgow, Green, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Sarpalius, Tejada, Truan, Uribe, Washington, Zaffirini.

Nays: Blake, Edwards, Farabee, Jones, Parker, Santiesteban, Sims.

Absent-excused: Caperton, Whitmire.

The bill was read third time and was finally passed viva voce vote.

**RECORD OF VOTES**

Senators Jones and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 539 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 539**, Relating to variable contract rate disclosures for motor vehicle retail installment contracts and to contracts for the retail installment sales of heavy commercial vehicles.

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Amend **S.B. 539** on p. 2, line 3 after the word "contract" by inserting the following:  
"for heavy commercial vehicles"

The committee amendment was read and was adopted viva voce vote.

Senator Anderson offered the following amendment to the bill:

Amend **S.B. 539** as follows:

After the word "differential." (p. 1 line 52) add the following language:

Notwithstanding the foregoing, the disclosure requirements of Regulation "Z" of the federal Truth-in-Lending Act and specifically Sec. 226.18(f) regarding variable rate disclosures shall be followed on all contracts other than those for a "heavy commercial vehicle" as defined herein.

The amendment was read and was adopted viva voce vote.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **SENATE BILL 539 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 539** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Whitmire.

The bill was read third time and was passed viva voce vote.

#### **BILL AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

**S.B. 5**  
**S.C.R. 9**  
**S.C.R. 51**  
**S.C.R. 52**

#### **SENATE CONCURRENT RESOLUTION 82**

Senator Anderson offered the following resolution:

WHEREAS, A city known for its beauty and hospitality, Mt. Pleasant, the county seat of Titus County, was founded on May 11, 1848; at one time the home of the Caddo Indians, the city's name is derived from Indian words that describe its plateau setting; and

WHEREAS, In the early 1900's, the natural mineral springs brought Mt. Pleasant national fame as a pleasure resort, and the city continues to be a well-known tourist attraction in East Texas, offering excellent opportunities for fishing, water skiing, and swimming and diving; and

WHEREAS, The home of Lake Monticello, Lake Bob Sandlin, and Lake Welsh and the future home of the Lake Bob Sandlin State Park, Mt. Pleasant is the

Bass Capital of Texas and the host of the Texas Bass Festival, which is held throughout the month of May and attracts fishermen from across the country; and

WHEREAS, A city to be visited not only during the summer, Mt. Pleasant also celebrates the Christmas season with great joy and enthusiasm, and the thousands of lights that adorn its streets, buildings, homes, and yards make it truly the Christmas Capital of the state; and

WHEREAS, Located on Highways I-30 and U.S. 271, the "Green Carpet Route," Mt. Pleasant offers a country club, four parks, a hospital, and a 900-seat civic center; it is also located on the main route of the St. Louis-Southwestern Railroad and is an important poultry processing center; and

WHEREAS, The home of Maury Buford, punter for the National Football League's Chicago Bears, Mt. Pleasant is also the current home of 11,003 proud Texans who live, work, and play in one of the unique, beautiful areas that make this state great; now, therefore, be it

RESOLVED, That the 70th Legislature of the State of Texas hereby designate Monday, March 30, 1987, as Mt. Pleasant Day in Texas; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the City of Mt. Pleasant as an expression of the sentiment of the members of the Texas Legislature.

The resolution was read.

On motion of Senator Anderson and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

#### GUESTS PRESENTED

Senator Anderson introduced a large group of citizens, seated in the gallery, from Mt. Pleasant.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
March 30, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS STATE BOARD OF PUBLIC  
ACCOUNTANCY:

For a term to expire January 31, 1993:

EARL CHARLES LAIRSON  
1716 Mangum, Suite 200  
Houston, Texas 77092

Mr. Lairson will be replacing Stanley J. Scott of Dallas whose term expired.

TO BE A MEMBER OF THE BOARD OF REGENTS OF EAST TEXAS STATE  
UNIVERSITY:

For a term to expire February 15, 1993:

ROBERT KYLE CAMPBELL  
P. O. Box 660268  
Dallas, Texas 75266-0268

Mr. Campbell will be replacing W. Ben Munson III of Denison who resigned.

**TO BE A MEMBER OF THE COMMISSION ON JAIL STANDARDS:**

For a term to expire January 31, 1993:

ROLANDO V. del CARMEN  
Criminal Justice Center  
Sam Houston State University  
Huntsville, Texas 77340

Mr. del Carmen will be replacing Pat Newhouse of Honeygrove whose term expired.

**TO BE A MEMBER OF THE TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY, BOARD OF DIRECTORS:**

For a term to expire February 1, 1993:

DR. WILLIAM L. FISHER  
Director, Geologic Research  
The University of Texas at Austin  
University Station, Box X  
Austin, Texas 78713

Dr. Fisher is being reappointed.

**TO BE A MEMBER OF THE TEXAS INDIAN COMMISSION:**

For a term to expire January 31, 1993:

LOTTIE LEE ELLER  
P. O. Box 908  
Panhandle, Texas 79068

Mrs. Eller will be replacing Edison Fifer, Jr., of El Paso whose term expired.

**TO BE A MEMBER OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS:**

For a term to expire September 26, 1987:

JOSE "JOE" I. NOVOA  
8616 Northwest Plaza Drive  
Dallas, Texas 75225

Mr. Novoa will be filling the unexpired term of Dillard S. Hammett of Dallas who resigned.

Respectfully submitted,  
/s/W. P. Clements, Jr.  
William P. Clements, Jr.  
Governor of Texas

**MOTION TO PLACE****COMMITTEE SUBSTITUTE SENATE BILL 310 ON SECOND READING**

Senator Jones moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 310**, Relating to the award of attorney's fees in an appeal of a property tax appraisal.

The motion was lost by the following vote: Yeas 9, Nays 19.

Yeas: Blake, Farabee, Jones, Krier, Montford, Santiesteban, Sarpalius, Sims, Zaffirini.

Nays: Armbrister, Barrientos, Brooks, Brown, Edwards, Glasgow, Green, Harris, Henderson, Johnson, Leedom, Lyon, McFarland, Parker, Parmer, Tejeda, Truan, Uribe, Washington.

Absent: Anderson.

Absent-excused: Caperton, Whitmire.

**COMMITTEE SUBSTITUTE SENATE BILL 165  
ON SECOND READING**

Senator Brooks moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 165**, Relating to smoking in public places or at public meetings; providing penalties.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Anderson, Barrientos, Blake, Brooks, Edwards, Farabee, Green, Johnson, Krier, Leedom, Montford, Parker, Parmer, Santiesteban, Tejada, Truan, Uribe, Washington, Zaffirini.

Nays: Armbrister, Brown, Harris, Henderson, Jones, Lyon, McFarland, Sarpalius, Sims.

Absent: Glasgow.

Absent-excused: Caperton, Whitmire.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 165** as follows:

(1) On page 2, line 44, Section 5(b), after "accommodated." add the following:

"Nothing herein shall prevent an employer from designating a place of employment as a nonsmoking area in its entirety."

(2) On page 2, line 56, Section 5(e), strike "A" and substitute "Except as provided by subsection (g) of this section, a".

(3) On page 3, line 2, Section 5, add a new subsection (g) to read as follows:

"(g) Subsection (e) of this section does not apply to a service line, cashier area, over-the-counter sales area, or common traffic area in a sports or entertainment facility with a capacity of more than 5,000."

The amendment was read and was adopted viva voce vote.

Senator Blake offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **C.S.S.B. 165** as follows:

On page 2, line 67, Section 5(f), between "," and "bar" insert "a grocery store with less than 4000 square feet of retail floor space,".

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.



**RECORD OF VOTES**

Senators Henderson and McFarland asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**MOTION TO PLACE****COMMITTEE SUBSTITUTE SENATE BILL 165 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 165 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 20, Nays 8. (Not receiving four-fifths vote of Members present)

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Edwards, Farabee, Green, Henderson, Johnson, Krier, Leedom, Montford, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Zaffirini.

Nays: Brown, Harris, Jones, Lyon, McFarland, Sarpalius, Sims, Washington.

Absent: Glasgow.

Absent-excused: Caperton, Whitmire.

**CONGRATULATORY RESOLUTIONS**

**S.R. 258** - By Zaffirini: Extending congratulations to the United Way of Laredo.

**S.R. 259** - By Zaffirini: Commending the staff and volunteers of the Community Services Agency of Dimmit, La Salle, Maverick and Frio counties.

**S.R. 260** - By Zaffirini: Extending congratulations to radio station KVOU on its 40th anniversary.

**S.R. 262** - By Anderson: Extending congratulations to radio station KYKX on its success with the KYKX Big Bass Classic.

**S.R. 263** - By Caperton: Commending Harry Moore.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:12 p.m. adjourned until 11:00 a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(March 26, 1987)

**H.C.R. 122**

**H.C.R. 117**

Sent to Governor (March 30, 1987)

**S.B. 5**

**S.C.R. 9**

**S.C.R. 51**

**S.C.R. 52**